

1 *[Submitting Counsel on Signature Page]*

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3
4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6 SAN FRANCISCO DIVISION
7

8 IN RE JUUL LABS, INC., MARKETING, SALES
9 PRACTICES, AND PRODUCTS LIABILITY
10 LITIGATION

11 This Document Relates to:

12 *Bain v. JUUL Labs, Inc., et al.*
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Case No. 19-md-02913-WHO

**ADMINISTRATIVE MOTION
TO CONSIDER WHETHER
ANOTHER PARTY'S
MATERIAL SHOULD BE
SEALED**

TO THE COURT, THE PARTIES, AND ALL COUNSEL OF RECORD:

Under Civil Local Rules 7-11 and 79-5(f) and the Court’s January 19, 2021 Amended Protective Order (Dkt. No. 1282), Plaintiffs move the Court to consider whether exhibits to Plaintiff’s Response and Chronology Regarding Recently Disclosed Trial Witnesses designated as “Confidential” or “Highly Confidential”, or that otherwise disclose potentially confidential, proprietary, or private information, should be sealed.

Material to Be Filed Under Seal

Paragraph 58 of the Amended Protective Order prohibits a party from filing in the public record any disclosure or discovery material that is designated as confidential, highly confidential, or highly confidential – outside counsel only (“Protected Material”) without written permission from the Designating Party or a court order secured after appropriate notice to all interested persons. Protected Material includes portions of pleadings that contain, summarize, or reflect the Protected Material. Dkt. No. 1282 at ¶ 58.

Defendants have designated materials contained and referred to in the exhibits to Plaintiff’s Response and Chronology Regarding Recently Disclosed Trial Witnesses as confidential, highly confidential, or highly confidential – outside counsel only under the Amended Protective Order. *Id.*

Plaintiffs request that the Court consider whether the following documents should be filed under seal:

Document	Description	Designating Party(ies)
Exhibit F	Document produced by JLI in discovery	Juul Labs Inc.
Exhibit H	Document produced by JLI in discovery	Juul Labs Inc.
Exhibit K	Exhibit to the Oral Sworn Statement of Camesheann Tabitha Wakefield	Juul Labs Inc.

Under Local Rules 79-5(f)(3), the Designating Parties bear responsibility to establish that all of the designated material is sealable, and must “file a statement and/or declaration as described in subsection (c) (1)” of the Local Rules. None of the information at issue was designated as confidential by Plaintiffs. Plaintiffs take no position at this time on whether the designated portions satisfy the requirements for sealing, and specifically reserve the right to challenge any “CONFIDENTIAL,” “HIGHLY CONFIDENTIAL,” or “HIGHLY

1 CONFIDENTIAL – OUTSIDE COUNSEL ONLY” designation under the Amended Protective
2 Order as well as the sealability of these documents under Civil Local Rule 79-5.

3 This motion complies with Civil Local Rule 7-11 and 79-5, and is accompanied by
4 versions of the foregoing documents the following attachments accompany this motion:

- 5 1. The Declaration of Sarah R. London in Support of this Motion; and
- 6 2. A Proposed Order that lists in tabular format all material sought to be sealed.

1 Dated: February 20, 2022

Respectfully submitted,

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3 By: /s/ Sarah R. London

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Co-Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will automatically send notification of the filing to all counsel of record.

By: /s/ Sarah R. London
Sarah R. London

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